

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civil Action No.:05-10122 RGS

FRANK LILL & SON, INC.,

Plaintiff,

v.

MEDICAL AREA TOTAL ENERGY  
PLANT, INC.,

Defendant.

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

Pursuant to United States District Court Local Rule 16.1, and the Court's Order dated May 9, 2005, the parties propose the following joint statement:

I. PROPOSED JOINT DISCOVERY PLAN.

A. PHASE I.

Overall Discovery Deadline: March 2, 2006.

Interrogatories/Documents/Requests for Admissions:

Last day to serve requests: October 5, 2005;

Last day to serve responses to requests: November 30, 2005.

Depositions:

Last day to serve notice (except for experts): December 30, 2005;

Last day to conduct depositions: March 2, 2006.

B. PHASE II.

Experts:

90 days before discovery deadline (12/2/2005), plaintiff to identify expert and serve expert's written report (unless waived);

45 days before discovery deadline (1/16/2006), defendant to identify expert and serve expert's written report (unless waived);

30 days before discovery deadline (1/31/2006), each party to identify rebuttal experts and serve rebuttal expert's written report (unless waived).

Depositions of Experts completed by March 2, 2006.

II. PROPOSED MOTION SCHEDULE.

A. Venue and Jurisdiction Motions shall be filed within 60 days of the Order.

B. Motions for Joinder of Parties shall be filed within 60 days of the Order.

C. Dispositive Motions and Motions to Preclude expert testimony shall be filed on or before April 28, 2006.

D. Opposition/Cross Motions shall be filed on or before May 26, 2006.

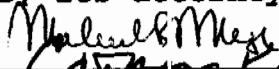

III. TRIAL.

Trial in September 2006.

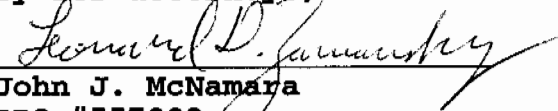
IV. CERTIFICATIONS.

Attached hereto are Certifications affirming that the parties and their counsel have conferred with a view to establishing a budget for costs of conducting the litigation and to consider alternative methods of dispute resolution.

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